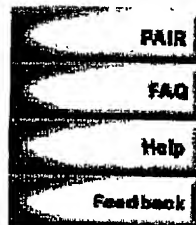
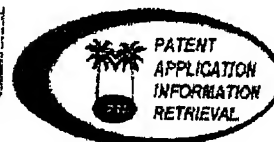




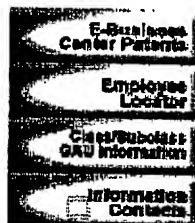
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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Search results for application number: 10/057,671			
Filing or 371(c) Date:	01-24-2002	Class / Sub-Class:	473/588.000
Issue Date of Patent:		Location:	PUBS - CUSTOMER SERVICE BRANCH, PK3-807, 308-6789
Examiner Name:	CHIU, RALEIGH W	Status:	Publications - Issue Fee Matched with File
Group Art Unit:	3711	Attorney Docket Number:	133/148
Earliest Publication No:		Patent Number:	
Earliest Publication Date:		Customer Number:	
Confirmation Number:	6486		

Foreign Priority

Continuity Data

File Contents History		
Number	Date	Contents Description
46	02-28-2003	Application Is Considered Ready for Issue
45	02-24-2003	Workflow - Customer Service Request - Finish
44	02-27-2003	Receipt into Pubs
43	10-21-2002	Mailroom Date of Issue Fee Payment
42	01-24-2002	Workflow - Drawings Finished
41	01-24-2002	Workflow - Drawings Matched with File at Contractor
40	02-24-2003	Workflow - Customer Service Request - Begin
39	02-21-2003	Receipt into Pubs
38	11-27-2002	Workflow - File Sent to Contractor
37	11-27-2002	Receipt into Pubs
36	11-20-2002	Application scanned in CRU and can be accessed by the REPS system in the Public Search Room
35	11-13-2002	Mail Notification of Terminal Disclaimer - Accepted
34	11-13-2002	Mail Examiner's Amendment
33	11-13-2002	Examiner's Amendment Communication
32	11-12-2002	Notification of Terminal Disclaimer - Accepted
31	11-05-2002	Terminal Disclaimer Filed
30	10-21-2002	Issue Fee Payment Recorded
29	10-21-2002	Application scanned in CRU and can be accessed by the REPS system in the Public Search Room
28	10-02-2002	Dispatch to Publications
27	09-30-2002	Mail Notice of Allowance
26	09-30-2002	Mail Notification of Terminal Disclaimer - Accepted

25	09-30-2002	Notice of Allowance Data Verification Completed
24	09-30-2002	Notice of Allowability
23	09-10-2002	Miscellaneous Incoming Letter
22	09-09-2002	Notification of Terminal Disclaimer - Accepted
21	08-26-2002	Terminal Disclaimer Filed
20	08-26-2002	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
19	08-26-2002	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
18	09-06-2002	Date Forwarded to Examiner
17	08-26-2002	Supplemental Response
16	08-14-2002	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
15	08-14-2002	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
14	08-24-2002	Date Forwarded to Examiner
13	08-14-2002	Response after Non-Final Action
12	07-31-2002	Mail Miscellaneous Communication to Applicant
11	07-29-2002	Miscellaneous Communication to Applicant - No Action Count
10	06-14-2002	Miscellaneous Incoming Letter
9	07-01-2002	Mail Non-Final Rejection
8	06-27-2002	Non-Final Rejection
7	01-24-2002	Submission of Original Patent Grant
6	04-02-2002	Case Docketed to Examiner in GAU
5	03-21-2002	Application Dispatched from OIPE
4	03-22-2002	Application Is Now Complete
3	04-16-2002	Notice of Reissue Published in Official Gazette
2	02-13-2002	Application Scanned
1	01-24-2002	Initial Exam Team nn

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UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DISPOSITION SHEET

MONDAY, FEBRUARY 10, 2003

11:00 A.M.

NONPRECEDENTIAL OPINIONS

02-1331 CLEAR-LINE CHEMICALS, INC., ET AL. v. PALMERO HEALTH CARE, ET AL.
DCT/SDTX Per Curiam Affirmed, Ru

02-1454 ASPEN MANUFACTURING, INC., ET AL. v. BENCHMARK MANUFACTURING,
INC.
DCT/EDTX Per Curiam Affirmed, Ru

02-3283 SUSAN CAVEY v. MERIT SYSTEMS PROTECTION BOARD
MSPB Per Curiam Affirmed

02-3393 JACQUES F. BRUCE v. DEPARTMENT OF DEFENSE
MSPB Per Curiam Affirmed

02-7318 PAUL M. KNIGHT v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
CVC Per Curiam Affirmed, Rule 36

03-3004 BHASKAR CHANDRASEKHAR v. DEPARTMENT OF HEALTH AND HUMAN SERVICES
MSPB Linn, J. Affirmed

DISMISSAL

01-5103 HERCULES INCORPORATED v. UNITED STATES

OTHER ACTION

03-3087 JAMES M. WALLACE v. OFFICE OF PERSONNEL MANAGEMENT
Mandate recalled and appeal reinstated.

PETITION FOR REHEARING AND REHEARING EN BANC

02-3302 DAVID H. ABLESTEIN v. DEPARTMENT OF AGRICULTURE
Denied.

TUESDAY, FEBRUARY 11, 2003

11:00 A.M.

NONPRECEDENTIAL OPINION

02-3398 JOE F. COOK, JR. v. DEPARTMENT OF VETERANS AFFAIRS
MSPB Per Curiam Affirmed

OTHER ACTIONS

The following cases are remanded to the United States Court of Appeals for Veterans
02-7321 SANDRA E. BOOTH v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7329 SANDRA E. BOOTH v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7330 ROBERT V. CHISHOLM v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7331 KENNETH B. MASON v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

<http://www.fedcir.gov/daily.txt>

2/13/2003

B

02-7332 KEITH D. SNYDER v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
 02-7333 KEITH D. SNYDER v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
 02-7334 CHARLES T. CLARK v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
 02-7335 KEITH D. SNYDER v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
 02-7336 MARSHALL O. POTTER v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

03-1033 ZEROWET, INC. v. BIONIX DEVELOPMENT CORPORATION v. ETHOX
 CORPORATION
 Remanded.

03-1157, UNIQUE FUNCTIONAL PRODUCTS, INC. v. MASTERCRAFT BOAT COMPANY,
 -1246 INC., ET AL.
 Mandate recalled and appeal reinstated.

03-3071 JOHNNIE W. HARRIS v. UNITED STATES POSTAL SERVICE
 Mandate recalled and appeal reinstated.

DISMISSAL

02-1190 ALEX R. BELLEHUMEUR v. CARL LEKAVICH, ET AL.

WEDNESDAY, FEBRUARY 12, 2003

11:00 A.M.

PRECEDENTIAL OPINIONS

01-1585 DR. RAYMOND G. TRONZO v. BIOMET, INC.
 On appeal from the United States District Court for the Southern Dis
 of Florida.
 Judgment vacated, modified.
 Opinion by Newman, Circuit Judge.

02-1137, ALTIRIS, INC. v. SYMANTEC CORPORATION
 -1138 On appeal from the United States District Court for the Dist
 Judgment affirmed-in-part, reversed-in-part, vacated-in-part, and re
 Opinion by Michel, Circuit Judge.

02-1314 PHONOMETRICS, INC. v. WESTIN HOTEL CO.
 On appeal from the United States District Court for the Southern Dis
 of Florida.
 Judgment affirmed. Opinion Per Curiam.

NONPRECEDENTIAL OPINIONS

02-1158 CROSSROADS SYSTEMS, (TEXAS), INC. v. CHAPARRAL NETWORK
 STORAGE, INC.
 DCT/WDTX Per Curiam Affirmed, Rule 36

02-1397 LEINER HEALTH PRODUCTS INC., ET AL v. MAGNO-HUMPHRIES LAGS, INC.
 USPTO/TTAB Per Curiam Affirmed, Rule 36

02-3132 GLORIA J. PATTERSON v. UNITED STATES POSTAL SERVICE
 MSPB Per Curiam Affirmed, Rule 36

02-3284 NELIA T. CORDERO v. OFFICE OF PERSONNEL MANAGEMENT
 MSPB Per Curiam Affirmed

02-3285 MICHAEL LIXANDROIU v. IMMIGRATION AND NATURALIZATION SERVICE

<http://www.fedcir.gov/daily.txt>

2/13/2003

Arbitrator Per Curiam Affirmed

02-5081 JOSEPH P. KOZ v. UNITED STATES
USCFC Per Curiam Affirmed, Rule 36

02-5118 JWK INTERNATIONAL CORPORATION v. UNITED STATES
USCFC Per Curiam Affirmed, Rule 36

02-5138 FOUR STRONG/HACKNEY, J.V., by and through its liquidating partner,
FOUR STRONG BUILDERS INC. v. UNITED STATES
USCFC Per Curiam Affirmed, Rule 36

NONPRECEDENTIAL ORDER

02-1468 WESLEY JESSEN CORPORATION v. BAUSCH & LOMB INCORPORATED
The Order of the United States District Court for the District of De
June 26, 2002, is affirmed on the basis of the opinion of that cour

DISMISSALS

02-3334 KAREN VESTERBY v. SOLDIERS' AND AIRMEN'S HOME
03-1053 GLAXO GROUP LIMITED, ET AL. v. APOTEX, INC.
03-1127 GFI, INC. v. DYNASTY FURNITURE MANUFACTURING LTD.
03-3086 MARILYN M. BROWN v. OFFICE OF PERSONNEL MANAGEMENT
03-3106 JULIO T. VEGA v. UNITED STATES POSTAL SERVICE
03-3108 WILMA E. SANDERS v. DEPARTMENT OF THE TREASURY
03-3110 VIVIANNE J. WALKER HEADLEY v. OFFICE OF PERSONNEL MANAGEMENT

THURSDAY, FEBRUARY 13, 2003

11:00 A.M.

PRECEDENTIAL OPINIONS

00-7172 RANDALL C. SCARBOROUGH v. ANTHONY J. PRINCIPI, Secretary of
Veterans Affairs
On remand from the Supreme Court of the United States.
Judgment affirmed. Opinion by Linn, Circuit Judge.
Separate dissenting opinion filed by Mayer, Chief Judge.

02-1309, SPRINGS WINDOW FASHIONS LP, ET AL. v. NOVO INDUSTRIES, L.P.
-1347 On appeal from the United States District Court for the West
of Wisconsin.
Judgment affirmed. Opinion by Bryson, Circuit Judge.

02-5037 SHELL PETROLEUM, INC., ET AL. v. UNITED STATES
On appeal from the United States Court of Federal Claims.
Judgment affirmed. Opinion by Prost, Circuit Judge.
Separate opinion concurring-in-part and dissenting-in-part filed by
Newman, Circuit Judge.

NONPRECEDENTIAL OPINIONS

01-3262 RITA R. DOZE v. SOCIAL SECURITY ADMINISTRATION
Arbitrator Per Curiam Affirmed

02-1437 PINNACLE PIGGING SYSTEMS, INC., ET AL. v. ELIMINATOR
PIGGING SYSTEMS, USA, INC., ET AL.
DCT/SDTX Per Curiam Affirmed-in-part,

<http://www.fedcir.gov/daily.txt>

2/13/2003

vacated-in-part,
and remanded

- 02-3179 WARREN B. KING v. GENERAL SERVICES ADMINISTRATION
MSPB Per Curiam Affirmed
- 02-3312 CLIFTON SMITH, JR. v. OFFICE OF PERSONNEL MANAGEMENT
MSPB Newman, J. Dismissed
- 02-3317 THALIA C. SANDERS v. MERIT SYSTEMS PROTECTION BOARD
MSPB Per Curiam Affirmed
- 02-3357 PAULINE E. MAXEY v. UNITED STATES POSTAL SERVICE
MSPB Per Curiam Affirmed
- 02-3390 VALARIE A. SMITH v. MERIT SYSTEMS PROTECTION BOARD
MSPB Newman, J. Affirmed

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- 02-1552, MCNEIL-PPC, INC. v. BAYER CORPORATION.
-1577
- 03-1222 KARL SKINNER v. NATMAR INCORPORATED (also known as Natmar
Services Corporation) (now known as Precision Engineering and Conveyors, Inc
ET AL.
- 03-1226 SUMMIT TECHNOLOGY, INC. v. NIDEK CO., LTD., ET AL.
- 03-3018 KEITH W. EDWARDS v. DEPARTMENT OF JUSTICE
- 03-5022 ADVANCED MATERIALS, INC. v. UNITED STATES
- 03-5024 APPELATE, ET AL. v. UNITED STATES OF AMERICA

PETITION FOR REHEARING EN BANC

- 02-7113 FRANCIS W. JASKOT v. ANTHONY J. PRINCIPI, Secretary of Veterans
Affairs
Denied.

Information about opinions for the current and preceding week is concurre

The Court's precedential opinions are also available on the Federal Circuit
web site: <http://www.fedcir.gov/index.html>

Copies of the Court's opinions may be purchased in room 410 at a cost of \$2.
<http://www.georgetown.edu/Fed-Ct/cafed.html>

<http://www.fedcir.gov/daily.txt>

2/13/2003

Notice of Allowability	Application No.	Applicant(s)	
	10/057,671	BELLEHUMEUR ET AL.	
	Examiner	Art Unit	
	Raleigh Chiu	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 24 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ Including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ Including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(e)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 <input type="checkbox"/> Notice of References Cited (PTO-892) 3 <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9 <input type="checkbox"/> Other
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Application/Control Number: 10/057,671

Page 2

Art Unit: 3711

EXAMINER'S COMMENT

1. In consideration of Protestor's arguments, the issues relating to the terminal disclaimer, diligence, correction of ownership and the properly signed oath are considered to be adequately addressed by applicant in his Response to Protest (Paper Number 6) and the submission of a new (1) Terminal Disclaimer, (2) Consent of Assignee, (3) Statement Under 37 CFR 3.73(b) and (4) Reissue Declaration.

Regarding Protestor's argument with respect to inventorship, the supplied exhibits have been reviewed and considered; however, they are not viewed, by themselves, to provide concrete evidence that the patentees are not the inventors to enable a rejection of the claims under 35 USC 102(f).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (703) 308-2247. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126.

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579.

40057671-096903
10057671-096903

Application/Control Number: 10/057,671

Page 3

Art Unit: 3711

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Raleigh W. Chiu
Primary Examiner
Technology Center 3700

RWC:dei:feif
26 September 2002

10057671.00000000

10057671.00000000

JAN. 31. 2002 3:32PM

SULZNER & ASSOCIATES

2/4

NIGHTFAX

NO. 861

P. 1

JAN. 22. 2002 3:13PM

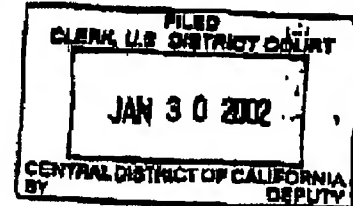
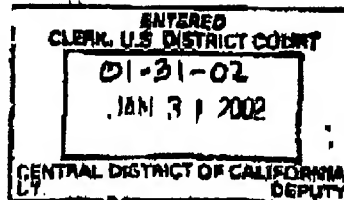
SULZNER & ASSOCIATES

NO. 761

FROM: IDS
P. 2

(SPACE BELOW FOR RING STAMP ONLY)

SULZNER & ASSOCIATES

ATTORNEYS AT LAW
101 WEST BROADWAY, SUITE 1820
SAN DIEGO, CALIFORNIA 92101
(619) 594-0250

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

Priority

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JS-4/JS-6

JS-1/JS-3

Scan Only

ALEX BELLEHUMEUR

Plaintiff,

v.

CARL LEKAVICH, an individual; IDEAL
DESIGN SPORTS, INC, a California
corporation

Defendants

CASE NO. CV-01-00138 BSWL (BQRA)

[PROPOSED] ORDER FOLLOWING
HEARING ON PLAINTIFF'S MOTION
TO AMEND JUDGMENT RE MOTION
FOR SUMMARY JUDGMENT

[FRCP RULES 56; 59]

Motion Date: January 14, 2002

Time: 9:00 a.m.

Judge: Hon. Ronald S.W. Lew

Crm: 21

Magistrate: Hon. Brian Q. Robbins

Docketed
Copied
JS-4/JS-6
JS-2/JS-3
EXCISE

Plaintiff's Motion to Amend Judgment re Motion for Summary Judgment came on regularly for hearing on Monday, January 14, 2002, at 9:00 a.m., in Courtroom 21 of the above-captioned court, the Honorable Ronald S.W. Lew presiding.

After full consideration of the evidence and papers on file, as well as the oral arguments of counsel, the court finds as follows:

Plaintiff's motion is denied. Plaintiff has not met the burden of proof set forth pursuant to Federal Rule of Civil Procedure, Rule 59(e). The judgment granting defendants' motion for summary adjudication based on the invalidity of plaintiff's '161 patent will not be amended. This

JAN 31 2002

[Proposed] Order Following Hearing on Plaintiff's Motion to Amend Judgment Re Motion for Summary Judgment

Page 1

JAN. 31. 2002 3:33PM SULZNER & ASSOCIATES ^{AK} 3/4 Right FAX NO. 861 P. 2
 JAN. 22. 2002 3:13PM SULZNER & ASSOCIATES NO. 761 P. 3

1 court found that the '161 continuation patent is invalid, because the common ownership
 2 requirement with the '410 patent was not satisfied.

4 IT IS SO ORDERED.

6 Dated: Jan. 30, 2002

RONALD S. W. LEW

THE HONORABLE RONALD S.W. LEW
 CENTRAL DISTRICT COURT OF CALIFORNIA

SULZNER & ASSOCIATES

ATTORNEYS AT LAW
 100 WEST BROADWAY, SUITE 400
 SAN FRANCISCO, CALIFORNIA 94111
 TEL: 415.398.4800 FAX: 415.398.4800

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[Proposed] Order Following Hearing on Plaintiff's Motion to Amend Judgment Re Motion for Summary Judgment

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, and pursuant to that certain Settlement Agreement dated as of October 12, 1998, Roller Hockey International, Inc., a Florida corporation ("RHI"), does hereby assign and set over to Alex Bellehumeur and Linda Dryer-Bellehumeur of 6242 Napoli Court, Long Beach, California 92614, hereinafter referred to as the ASSIGNEES, the entire right, title and interest of RHI, domestic and foreign, in and to the inventions and discoveries in:

"PUCK FOR USE ON A NON-ICE SURFACE"

set forth in the United States Letters Patent No. 5,275,410 (the "Patent"), and assigned to RHI as recorded on March 26, 1998, including any foreign applications or foreign patents issued relating to the Patent. ASSIGNEES are hereafter solely responsible for the payment of any maintenance fees and any other acts necessary to maintain the Patent.

**ROLLER HOCKEY INTERNATIONAL
INC., a Florida corporation**

Date:

7/16/99

By:

Its:

Robert J. Tull
President RHI

466306 v2

PAGE 1

ALEX BELLEHUMEUR

1298864295 5624983621

01:18

01/10/1999

PATENT**RECORDED: 07/28/2000****REEL: 011027 FRAME: 0830**

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JOHN M. KISSELLE 1919-1980
PAUL J. REISING 1963-1983

March 3, 2003

10057671-052503

Via Facsimile
(703) 872-9420

Attention: Mr. Greg Mills
United States Patent and Trademark Office
Washington, DC 22202

Re: Reissue Application Serial No. 10/057,671
Bellehumeur et al.

Dear Sir:

Per your request to my client Mr. Carl Lekavich, I am sending you certain attachments relating to the above-identified reissue application.

We are requesting to hold up the "reissue" of Reissue Application Serial No. 10/057,671 that is indicated in the United States Patent and Trademark Office website to be ready for reissue. (See Attachment A).

The Federal Circuit just dismissed on February 11, 2003 the case of Alex Bellehumeur v. Carl Lekavich (See Attachment B) in which the United States District Court for the Central District of California, Western Division declared the original U.S. Patent 5,597,161 invalid due to lack of common ownership at the time of the signing of the Terminal Disclaimer.

We further believe the original U.S. Patent 5,597,161 is not yet commonly owned with U.S. Patent 5,275,410 when the assignment (See Attachment C) on its face clearly shows only one issued patent was assigned. The provision of the MPEP do not provide for an existing C-I-P or continuation patent application to be assumed also to be assigned in this factual scenario. The

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DISPOSITION SHEET

MONDAY, FEBRUARY 10, 2003

11:00 A.M.

NONPRECEDENTIAL OPINIONS

02-1331 CLEAR-LINE CHEMICALS, INC., ET AL. v. PALMERO HEALTH CARE, ET AL.
DCT/SDTX Per Curiam Affirmed, Ru

02-1454 ASPEN MANUFACTURING, INC., ET AL. v. BENCHMARK MANUFACTURING, INC.
DCT/EDTX Per Curiam Affirmed, Ru

02-3283 SUSAN CAVEY v. MERIT SYSTEMS PROTECTION BOARD
MSPB Per Curiam Affirmed

02-3393 JACQUES F. BRUCE v. DEPARTMENT OF DEFENSE
MSPB Per Curiam Affirmed

02-7318 PAUL M. KNIGHT v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
CVC Per Curiam Affirmed, Rule 36

03-3004 BHASKAR CHANDRASEKHAR v. DEPARTMENT OF HEALTH AND HUMAN SERVICES
MSPB Linn, J. Affirmed

DISMISSAL

01-5103 HERCULES INCORPORATED v. UNITED STATES

OTHER ACTION

03-3087 JAMES M. WALLACE v. OFFICE OF PERSONNEL MANAGEMENT
Mandate recalled and appeal reinstated.

PETITION FOR REHEARING AND REHEARING EN BANC

02-3302 DAVID H. ABLESTEIN v. DEPARTMENT OF AGRICULTURE
Denied.

TUESDAY, FEBRUARY 11, 2003

11:00 A.M.

NONPRECEDENTIAL OPINION

02-3398 JOE F. COOK, JR. v. DEPARTMENT OF VETERANS AFFAIRS
MSPB Per Curiam Affirmed

OTHER ACTIONS

The following cases are remanded to the United States Court of Appeals for Veterans
02-7321 SANDRA E. BOOTH v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7329 SANDRA E. BOOTH v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7330 ROBERT V. CHISHOLM v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7331 KENNETH B. MASON v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

<http://www.fedcir.gov/daily.txt>

2/13/2003

B

Notice of Allowability	Application No. 10/057,871	Applicant(s) BELLEHUMEUR ET AL
	Examiner Raleigh Chiu	Art Unit 3711

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 24 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some c) ☐ None of the:
 - 1 ☐ Certified copies of the priority documents have been received.
 - 2 ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3 ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - Certified copies not received. ____
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has **THREE MONTHS FROM THE "MAILING DATE"** of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1 ☐ hereto or 2) ☐ to Paper No. ____.
 - (b) ☐ including changes required by the proposed drawing correction filed ____ which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 <input type="checkbox"/> Notice of References Cited (PTO-892) 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. ____ 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. ____ 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9 <input type="checkbox"/> Other
---	--

C

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DISPOSITION SHEET

MONDAY, FEBRUARY 10, 2003

11:00 A.M.

NONPRECEDENTIAL OPINIONS

02-1331 CLEAR-LINE CHEMICALS, INC., ET AL. v. PALMERO HEALTH CARE, ET AL.
DCT/SDTX Per Curiam Affirmed, Ru

02-1454 ASPEN MANUFACTURING, INC., ET AL. v. BENCHMARK MANUFACTURING, INC.
DCT/EDTX Per Curiam Affirmed, Ru

02-3283 SUSAN CAVEY v. MERIT SYSTEMS PROTECTION BOARD
MSPB Per Curiam Affirmed

02-3393 JACQUES F. BRUCE v. DEPARTMENT OF DEFENSE
MSPB Per Curiam Affirmed

02-7318 PAUL M. KNIGHT v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
CVC Per Curiam Affirmed, Rule 36

03-3004 BHASKAR CHANDRASEKHAR v. DEPARTMENT OF HEALTH AND HUMAN SERVICES
MSPB Linn, J. Affirmed

DISMISSAL

01-5103 HERCULES INCORPORATED v. UNITED STATES

OTHER ACTION

03-3087 JAMES M. WALLACE v. OFFICE OF PERSONNEL MANAGEMENT
Mandate recalled and appeal reinstated.

PETITION FOR REHEARING AND REHEARING EN BANC

02-3302 DAVID H. ABLESTEIN v. DEPARTMENT OF AGRICULTURE
Denied.

TUESDAY, FEBRUARY 11, 2003

11:00 A.M.

NONPRECEDENTIAL OPINION

02-3398 JOE F. COOK, JR. v. DEPARTMENT OF VETERANS AFFAIRS
MSPB Per Curiam Affirmed

OTHER ACTIONS

The following cases are remanded to the United States Court of Appeals for Veterans
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02-7329 SANDRA E. BOOTH v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7330 ROBERT V. CHISHOLM v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7331 KENNETH B. MASON v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

<http://www.fedcir.gov/daily.txt>

2/13/2003

B

Notice of Allowability

Application No.

10/057,671

Applicant(s)

BELLEHUMEUR ET AL

Examiner

Raleigh Chiu

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
 2. ☒ The allowed claim(s) is/are 1-3.
 3. ☒ The drawings filed on 24 January 2002 are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received _____

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
 (a) ☐ The translation of the foreign language provisional application has been received.
 6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

Applicant has **THREE MONTHS FROM THE "MAILING DATE"** of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in **ABANDONMENT** of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A **SUBSTITUTE OATH OR DECLARATION** must be submitted. Note the attached **EXAMINER'S AMENDMENT** or **NOTICE OF INFORMAL PATENT APPLICATION (PTO-152)** which gives reason(s) why the oath or declaration is deficient.
 8. ☐ **CORRECTED DRAWINGS** must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No. _____.
 (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(e)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ **DEPOSIT OF and/or INFORMATION** about the deposit of **BIOLOGICAL MATERIAL** must be submitted. Note the attached Examiner's comment regarding **REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL**.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

JAN. 31 2002 3:32PM

SULZNER & ASSOCIATES LLP 2/4 RIGHT FAX

NO. 967 P. 1

JAN. 22 2002 3:13PM

SULZNER & ASSOCIATES

FROM: IDS
NO. 761 P. 2

(SPACE BELOW FOR FILING STAMP ONLY)

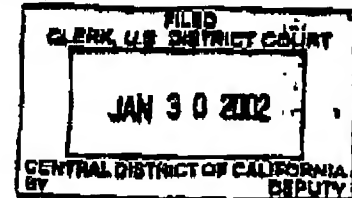
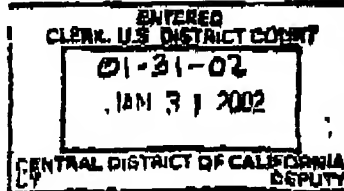
SULZNER & ASSOCIATES

ATTORNEYS AT LAW

101 WEST BROADWAY, SUITE 1050

SAN DIEGO, CALIFORNIA 92103

(619) 558-2350

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

Priority

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JS-5/JS-6

JS-2/JS-3

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ALEX BELLEHUMEUR

Plaintiff,

v.

CARL LEKAVICH, an individual; IDEAL
DESIGN SPORTS, INC., a California
corporation

Defendants.

CASE NO. CV-01-00138 RSWL (BQRX)

[PROPOSED] ORDER FOLLOWING
HEARING ON PLAINTIFF'S MOTION
TO AMEND JUDGMENT RE MOTION
FOR SUMMARY JUDGMENT

[FRCP RULES 56; 59]

Motion Date: January 14, 2002

Time: 9:00 a.m.

Judge: Hon. Ronald S.W. Lew

Cmn: 21

Magistrate: Hon. Brian Q. Robbins

Plaintiff's Motion to Amend Judgment re Motion for Summary Judgment came on regularly
for hearing on Monday, January 14, 2002, at 9:00 a.m., in Courtroom 21 of the above-captioned
court, the Honorable Ronald S.W. Lew presiding.

After full consideration of the evidence and papers on file, as well as the oral arguments
of counsel, the court finds as follows:

Plaintiff's motion is denied. Plaintiff has not met the burden of proof set forth pursuant to
Federal Rule of Civil Procedure, Rule 59(e). The judgment granting defendants' motion for
summary adjudication based on the [invalidity of plaintiff's '161 patent will not be amended. This

JAN 31 2002

[Proposed] Order Following Hearing on Plaintiff's Motion to Amend Judgment Re Motion for Summary
Judgment

JAN. 31. 2002 3:33PM SULZNER & ASSOCIATES^{AK} 3/4 NIGHTFAX NO. 861 P. 2

JAN. 22. 2002 3:13PM SULZNER & ASSOCIATES NO. 761 P. 3

1 court found that the '161 continuation patent is invalid, because the common ownership
2 requirement with the '410 patent was not satisfied.

3
4 IT IS SO ORDERED.

5
6 Dated: Jan. 30, 2002

RONALD S. LEW

THE HONORABLE RONALD S. LEW
CENTRAL DISTRICT COURT OF CALIFORNIA

SULZNER & ASSOCIATES

ATTORNEYS AT LAW

ELI LASH INCORPORATED, 3400
SAN DIEGO, CALIFORNIA 92108

FILED FOR REGISTRATION - JAN 31 2002
11 12 13 14 15 16 17

18 19 20 21 22 23 24 25 26 27

28 [Proposed] Order Following Hearing on Plaintiff's Motion to Amend Judgment Re Motion for Summary Judgment

Page 2

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, and pursuant to that certain Settlement Agreement dated as of October 12, 1998, Roller Hockey International, Inc., a Florida corporation ("RHI"), does hereby assign and set over to Alex Bellehumeur and Linda Dryer-Bellehumeur of 6242 Napoli Court, Long Beach, California 92614, hereinafter referred to as the ASSIGNEES, the entire right, title and interest of RHI, domestic and foreign, in and to the inventions and discoveries in:

"PUCK FOR USE ON A NON-ICE SURFACE"

set forth in the United States Letters Patent No. 5,275,410 (the "Patent"), and assigned to RHI as recorded on March 26, 1998, including any foreign applications or foreign patents issued relating to the Patent. ASSIGNEES are hereafter solely responsible for the payment of any maintenance fees and any other acts necessary to maintain the Patent.

**ROLLER HOCKEY INTERNATIONAL
INC., a Florida corporation**

E06359 T49200F

Date:

7/16/99

By:

Its:

[Signature]
[Signature]

- 2 -

PAGE 1

ALEX BELLEHUMEUR

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01/10/1994

PATENT

REEL: 011027 FRAME: 0830

RECORDED: 07/28/2000

Received from < > at 3/3/03 4:59:59 PM [Eastern Standard Time]

**IDEAL DESIGN SPORTS**

Post Office Box 910, Lomita, California 90717 TEL (310) 212-5514 FAX (310) 212-7400

TELECOMMUNICATION LETTERDATE: 3.3.03

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Geeg MillsCOMPANY: UPDFROM: CARL LEKAVICH

YOU MAY REACH ME AT: (310)550-3000

OUR FAX NUMBER IS : (310)212-7400

TOTAL NUMBER OF PAGES: 17 + 1 cover sheet*If you do not receive all of the pages, please contact me as soon as possible.***MESSAGE:**

*Geeg Please call me after
you look at all the paperwork.
Also My attorney Steve Recumut
will be sending you a letter
today. His phone # 248 786 0151 if
you need to talk to him.
Thank for all the help.*

LAW OFFICES

REISING, ETHINGTON, BARNES, KISSELLE, LEARMAN & MCCULLOCH, P.C.

PATENTS, TRADEMARKS AND COPYRIGHTS

EDWARD J. BISKUP
DAVID A. BURNS
ROBERT C. COLLINS
PAUL J. ETHINGTON
JOHN C. EVANS
ROBERT L. FARRIS
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WILLIAM J. WAUGHMAN
CHARLES R. WHITE
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5291 COLONY DRIVE NORTH
SAGINAW, MICHIGAN 48603
TELEPHONE: (989) 799-5300
FACSIMILE: (989) 762-8595

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212 RIVER STREET
PO BOX 834
ELK RAPIDS, MICHIGAN 49629
TELEPHONE: (231) 264-9948
FACSIMILE: (231) 264-9949

STUART C. BARNES 1910-1968
JOHN M. KISSELLE 1918-1999
PAUL J. REISING 1963-1993

November 19, 2002

Via Facsimile
(703) 305-1013

Mr. Joseph Narcavage
Special Projects Examiner
Office of Patent Legal Administration (OPLA)
United States Patent and Trademark Office
Crystal Plaza 3, Room 3D25
Washington, DC 20231

Re: Reissue Application Serial No. 10/057,671
Bellehumeur et al.
Under Review of the Office of Patent Legal Administration

Dear Mr. Narcavage:

Thank you for letting me fax you the enclosed. I represent a client who filed a public protest against the above-identified Reissue Application

I am enclosing copies of the two final Orders from the U.S. District Court, Central District of California, Western Division which determine that the U.S. Patent 5,597,161 has been determined to be invalid as a matter of law. I am submitting these documents to you because Mr. Bellehumeur has apparently indicated that this patent was merely found "unenforceable" in his litigation status sheet and never included these final orders.

Please note the specific language in the January 30, 2002 order which the court states "The judgment granting defendants' motion for summary adjudication based on the invalidity of plaintiffs' '161 patent will not be amended. This court found that the '161 continuation patent is invalid, because the common ownership requirement with the '410 patent was not satisfied."

Mr. Joseph Narcavage
Special Projects Examiner

November 19, 2002

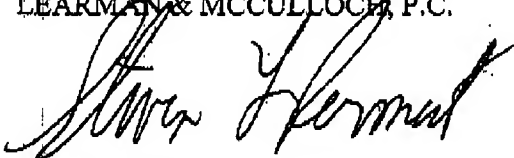
Page 2 of 2

I believe Mr. Bellehumeur he has not been forthcoming to the United States Patent and Trademark Office and I hope that this matter is taken into consideration, along with his late filing of assignments.

I beg your indulgence in this matter, but it only recently came to my attention upon review of the full file that the United States Patent and Trademark Office might not have this vital information regarding Reissue Application No. 10/057,671.

Very truly yours,

REISING, ETHINGTON, BARNES, KISSELLE,
LEARMAN & MCCULLOCH P.C.



Steven L. Permut

SLP/dl

bcc: Carol Lekavich

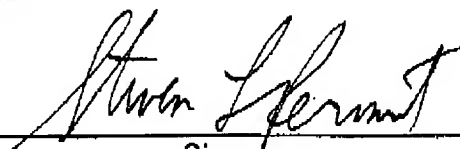
10057671 06250 T 02/001

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

on November 19, 2002.

Date



Signature

Steven L. Permut

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

(703) 305-1013

Attention: Mr. Joseph Narcavage

URGENT MATTER - PLEASE DELIVER IMMEDIATELY

RE: Reissue Application Serial No. 10/057,671

Bellehumeur et al.

Under Review of the Office of Patent Legal Administration

Letter with District Court Orders attached.

7 Sheets Total

SENT BY: XEROX TELECOPIER 7020 ; 11-49-7< ; 9:56PM ;

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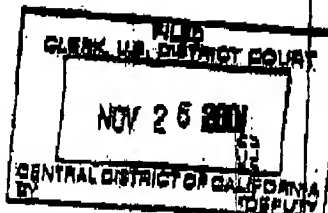
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SULZNER & ASSOCIATES

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THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY EDCR, RULE 77(a).

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ALEX BELLEHUMEUR

Plaintiff,

CARL LEKAVICH, an individual; IDEAL
DESIGN SPORTS, INC., a California
corporation

Defendants.

Booked
Captioned
JS-5/JS-3
JS-2/JS-3
CLSD

CASE NO. CV-01-00138 RWSL (BQRx)

[PROPOSED] JUDGMENT RE MOTION
FOR SUMMARY ADJUDICATION BY
CARL LEKAVICH AND IDEAL DESIGN
SPORTS, INC. BASED ON PATENT
INVALIDITY AND MOTION FOR
AWARD OF ATTORNEY'S FEES AND
COSTS

[FRCP RULE 56; 35 USC §285]

Motion Date: November 26, 2001
Time: 9:00 a.m.
Judge: Hon. Ronald S.W. Law
Clerk: 21
Magistrate: Hon. Brian Q. Robbins

The Motion for Summary Adjudication by Carl Lekavich and Ideal Design Sports, Inc.
Based on Patent Invalidity and Motion for Award of Attorney's Fees and Costs, came on regularly
for hearing on November 26, 2001, at 9:00 a.m., in Courtroom 21 of the above-captioned court,
the Honorable Ronald S.W. Law presiding.

After full consideration of the evidence and papers on file, as well as the oral arguments
of counsel, the court finds that there is no triable issue of material fact in this action and that the
moving party is entitled to summary judgment as a matter of law. The court also finds that an

[Proposed] Judgment Re Motion for Summary Adjudication and Motion for Attorney's Fees and Costs
Page 1

(31)

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JAN 2 2002 4:01PM

SULZNER & ASSOCIATES

NO. 550

P. 24

1 ~~award of attorneys' fees and costs to defendants is appropriate and hereby awards defendants the~~
 2 sum of _____ for ~~said fees and costs.~~
 3

IT IS SO ORDERED.

RONALD S. W. LEW

Dated: Nov 26, 2001

THE HONORABLE RONALD S. W. LEW
 CENTRAL DISTRICT COURT OF CALIFORNIA

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1P 4

JAN. 31. 2002 3:32PM SULZNER & ASSOCIATES 2/4 NIGHTFAX NO. 861 P. 1
 JAN. 22. 2002 3:13PM SULZNER & ASSOCIATES NO. 761 FROM: IDS P. 2

SULZNER & ASSOCIATES

ATTORNEYS AT LAW

101 WEST BROADWAY, SUITE 1850
SAN DIEGO, CALIFORNIA 92101

(619) 556-2222

(SPACE BELOW FOR RING STAMP ONLY)

FILED
CLERK U.S. DISTRICT COURT

JAN 30 2002

CENTRAL DISTRICT OF CALIFORNIA
DEPUTYENTERED
CLERK U.S. DISTRICT COURT

01-21-02

JAN 31 2002

CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

Priority

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JS-2/JS-3

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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

ALDO BELLEMEUR

Plaintiff,

CARL LEKAVICH, an individual; IDEAL
DESIGN SPORTS, INC., a California
corporation

Defendants.

CASE NO. CV-01-00138 RSWL (BQR)

[PROPOSED] ORDER FOLLOWING
HEARING ON PLAINTIFF'S MOTION
TO AMEND JUDGMENT RE MOTION
FOR SUMMARY JUDGMENT

[FRCP RULES 56; 59]

Motion Date: January 14, 2002

Time: 9:00 a.m.

Judge: Hon. Ronald S.W. Law

Cm: 21

Magistrate: Hon. Brian Q. Robbins

Plaintiff's Motion to Amend Judgment re Motion for Summary Judgment came on regularly
for hearing on Monday, January 14, 2002, at 9:00 a.m., in Courtroom 21 of the above-captioned
court, the Honorable Ronald S.W. Law presiding.

After full consideration of the evidence and papers on file, as well as the oral arguments
of counsel, the court finds as follows:

Plaintiff's motion is denied. Plaintiff has not met the burden of proof set forth pursuant to
Federal Rule of Civil Procedure, Rule 59(e). The judgment granting defendants' motion for
summary adjudication based on the invalidity of plaintiff's '161 patent will not be amended. This

JAN 31 2002

[Proposed] Order Following Hearing on Plaintiff's Motion to Amend Judgment Re Motion for Summary
Judgment

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JAN. 31. 2002 3:33PM SULZNER & ASSOCIATES^{US} 3/4 Right FAX NO. 861 P. 2

JAN. 22. 2002 3:13PM SULZNER & ASSOCIATES NO. 761 P. 3

1 court found that the '161 continuation patent is invalid, because the common ownership
 2 requirement with the '410 patent was not satisfied.

3
 4 IT IS SO ORDERED.

5
 6 Dated: Jan. 30, 2002

RONALD S. W. LEW

7 THE HONORABLE RONALD S. W. LEW
 8 CENTRAL DISTRICT COURT OF CALIFORNIA
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[Proposed] Order Following Hearing on Plaintiff's Motion to Amend Judgment Re Motion for Summary Judgment

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Att: Steve Permut

Page 1 of 4

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DISPOSITION SHEET

MONDAY, FEBRUARY 10, 2003

11:00 A.M.

NONPRECEDENTIAL OPINIONS

02-1331 CLEAR-LINE CHEMICALS, INC., ET AL. v. PALMERO HEALTH CARE, ET AL.
DCT/SDTX Per Curiam Affirmed, Ru

02-1454 ASPEN MANUFACTURING, INC., ET AL. v. BENCHMARK MANUFACTURING, INC.
DCT/EDTX Per Curiam Affirmed, Ru

02-3283 SUSAN CAVEY v. MERIT SYSTEMS PROTECTION BOARD
MSPB Per Curiam Affirmed

02-3393 JACQUES F. BRUCE v. DEPARTMENT OF DEFENSE
MSPB Per Curiam Affirmed

02-7318 PAUL M. KNIGHT v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
CVC Per Curiam Affirmed, Rule 36

03-3004 BHASKAR CHANDRASEKHAR v. DEPARTMENT OF HEALTH AND HUMAN SERVICES
MSPB Linn, J. Affirmed

DISMISSAL

01-5103 HERCULES INCORPORATED v. UNITED STATES

OTHER ACTION

03-3087 JAMES M. WALLACE v. OFFICE OF PERSONNEL MANAGEMENT
Mandate recalled and appeal reinstated.

PETITION FOR REHEARING AND REHEARING EN BANC

02-3302 DAVID H. ABLESTEIN v. DEPARTMENT OF AGRICULTURE
Denied.

TUESDAY, FEBRUARY 11, 2003

11:00 A.M.

NONPRECEDENTIAL OPINION

02-3398 JOE F. COOK, JR. v. DEPARTMENT OF VETERANS AFFAIRS
MSPB Per Curiam Affirmed

OTHER ACTIONS

The following cases are remanded to the United States Court of Appeals for Veterans

02-7321 SANDRA E. BOOTH v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

02-7329 SANDRA E. BOOTH v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

02-7330 ROBERT V. CHISHOLM v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

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02-7331 KENNETH B. MASON v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7332 KEITH D. SNYDER v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7333 KEITH D. SNYDER v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7334 CHARLES T. CLARK v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7335 KEITH D. SNYDER v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
02-7336 MARSHALL O. POTTER v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

03-1033 ZEROWET, INC. v. BIONIX DEVELOPMENT CORPORATION v. ETHOX
CORPORATION
Remanded.

03-1157,
-1246 UNIQUE FUNCTIONAL PRODUCTS, INC. v. MASTERCRAFT BOAT COMPANY,
INC., ET AL.
Mandate recalled and appeal reinstated.

03-3071 JOHNNIE W. HARRIS v. UNITED STATES POSTAL SERVICE
Mandate recalled and appeal reinstated.

DISMISSAL

02-1190 ALEX R. BELLEHUMEUR v. CARL LEKAVICH, ET AL.

WEDNESDAY, FEBRUARY 12, 2003

11:00 A.M.

PRECEDENTIAL OPINIONS

01-1585 DR. RAYMOND G. TRONZO v. BIOMET, INC.
On appeal from the United States District Court for the Southern Dis
trict of Florida.
Judgment vacated, modified.
Opinion by Newman, Circuit Judge.

02-1137,
-1138 ALTIRIS, INC. v. SYMANTEC CORPORATION
On appeal from the United States District Court for the Dist
rict of Columbia.
Judgment affirmed-in-part, reversed-in-part, vacated-in-part, and re
Opinion by Michel, Circuit Judge.

02-1314 PHONOMETRICS, INC. v. WESTIN HOTEL CO.
On appeal from the United States District Court for the Southern Dis
trict of Florida.
Judgment affirmed. Opinion Per Curiam.

NONPRECEDENTIAL OPINIONS

02-1158 CROSSROADS SYSTEMS, (TEXAS), INC. v. CHAPARRAL NETWORK
STORAGE, INC.
DCT/WDTX Per Curiam Affirmed, Rule 36

02-1397 LEINER HEALTH PRODUCTS INC., ET AL v. MAGNO-HUMPHRIES LAGS, INC.
USPTO/TTAB Per Curiam Affirmed, Rule 36

02-3132 GLORIA J. PATTERSON v. UNITED STATES POSTAL SERVICE
MSPB Per Curiam Affirmed, Rule 36

02-3284 NELIA T. CORDERO v. OFFICE OF PERSONNEL MANAGEMENT
MSPB Per Curiam Affirmed

<http://www.fedcir.gov/daily.txt>

2/13/2003

SENT BY: Xerox Plain Paper 7033; 2-21- 1 ; 11:47 ;

BARNES, KISSELLE→

13102127400: # 3/ 8

PATENT
Patent No. 5,275,410**ASSIGNMENT**

This Assignment, effective on January 1, 1996, by Alex R. Bellahumeur, John R. Nehmense II and Guy W. Haglemmert, Assignors to Roller Hockey International, a California limited partnership, Assignee, having a place of business at 1388 Sutter, Suite 710, San Francisco, California, 94109.

WHEREAS, Assignors have invented a new and useful PUCK FOR USE ON A NON-ICE SURFACE and are the owners of full right, title and interest in United States Letters Patent No. 5,275,410 for PUCK FOR USE ON A NON-ICE SURFACE issued January 4, 1994 and the pending foreign patent applications listed on Attachment A; and

WHEREAS, Assignors believe themselves to be the original, first and joint inventors of the invention disclosed and claimed in said Letters Patent and pending foreign applications; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said invention and said Letters Patent and pending foreign applications for said invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the good and valuable consideration agreed to between the parties in a separate Letter of Agreement, the receipt and sufficiency of

-1-

PATENT
REEL: 7863 FRAME: 0441

SENT BY:Xerox Plain Paper 7033: 2-21- 1 : 11:48 : BARNES, KISSELLE-

13102127400:# 4/ 8

PATENT

Patent No. 5,275,410

which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee the entire right, title and interest in United States Letters Patent No. 5,275,410 and the pending foreign applications listed on Attachment A and any foreign patents issuing on said pending applications, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, re-examining or enforcing said Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, and said Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of

-2-

PATENT

REEL: 7863 FRAME: 0443

SENT BY: Xerox Plain Paper 7033; 2-21- 1 ; 11:49 ;

BARNES. KISSELLE-

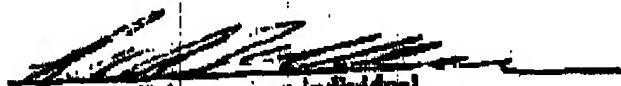
13102127400:# 5/ 8

PATENT
Patent No. 5,275,410

the United States and of all foreign countries to issue any Letters Patent granted for said invention to Assignor, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date written hereinbelow.

ASSIGNORS

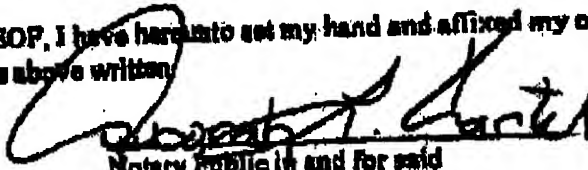

 Alex R. Bellehumeur, an individual

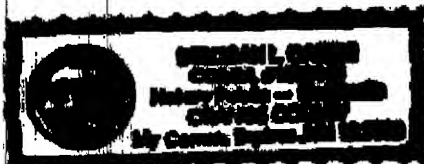
STATE OF CALIFORNIA)

COUNTY OF Orange)

On this 21 day of February in the year of 1986, before me personally appeared Alex R. Bellehumeur, personally known to me, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to this instrument, and acknowledged to me that they executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year in this certificate above written.


 Notary Public in and for said
 County and State



- 1 -

PATENT
REEL: 7862 FRAME: 0443

SENT BY: Xerox Plain Paper 7033: 2-21- 1 : 11:50 :

BARNES, KISSELLE→

18102127400: # 6/ 8

PATENT
Patent No. 5,275,410



 John R. Nehmens II, an individual

Mariposa
 STATE OF CALIFORNIA


COUNTY OF Mariposa

On this 11th day of March, 1996, in the year of 1996, before me personally appeared John R. Nehmens II, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that they executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.


 Notary Public in and for said
 County and State

ANNEAL BEACH
 NOTARY PUBLIC STATE OF CALIFORNIA
 My Commission Expires November 22, 1998

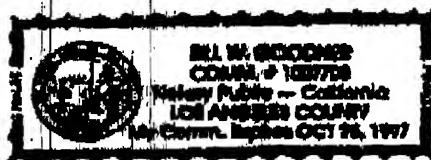

 Goy W. Haarammurt, an individual


STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On this 11th day of March, in the year of 1996, before me personally appeared Goy W. Haarammurt, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that they executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.




 Notary Public in and for said
 County and State

- 4 -

RECORDED: 03/26/1996

PATENT
REEL: 7863 FRAME: 0444

SENT BY: Xerox Plain Paper 7033; 2-21-1 : 11:51 : BARNES, KISSELLE-

13102127400:# 7/ 8

U.S. PATENT AND TRADEMARK OFFICE Patent and Trademark Office 101449585 1280		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.		Name and address of receiving party (last): Mr. Alex R. Salomonson 6142 Laurel Court Long Beach, CA 90803	
1. Name of conveying party (last): Heller Hockey International, Inc. U.S. Patent & Trademark Office Reg. No. 991		City: Long Beach State Prov.: CA Country: U.S.A. ZIP: 90803	
Additional name(s) of conveying party(ies) stated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Additional name(s) & address(es) stated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Mergers <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other		Execution Date: July 14, 1993	
4. Application number(s) or registration number(s): If this document is being filed together with a new application, the execution date of the application is:		B. Patent No.(s) 5,375,410 and Continuation Patent 5,397,163	
Patent Application No. Filing date		Additional numbers affected? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning documents should be mailed: Name: Edgar W. Averill, Jr. Registration No. 24752 Address: 9244 Palomar Ave. City: Wildomar State/Prov.: CA Country: U.S.A. ZIP: 92692		6. Total number of applications and patents favored: 1	
7. Total fee (37 CFR 3.41): \$ 45.00 <input checked="" type="checkbox"/> Enclosed - Any excess or insufficiency should be credited or debited to deposit account <input type="checkbox"/> Authorized to be charged to deposit account		8. Deposit account number: 91-3823	
DO NOT USE THIS SPACE		DO NOT USE THIS SPACE	
9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Edgar W. Averill, Jr.		Signature: Edgar W. Averill, Jr. Date: July 28, 1993	
Name of Person Signing		Total number of pages (including cover sheet, attachments, and document): 3	

 PATENT
 REEL: 011027 FRAME: 0009

SENT BY: Xerox Plain Paper 7033; 2-21- 1 ; 11:58 ;

BARNES, KISSELLE→

13102127400: # 8/ 8

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, and pursuant to that certain Settlement Agreement dated as of October 12, 1998, Roller Hockey International, Inc., a Florida corporation ("RHI"), does hereby assign and set over to Alex Belchumser and Linda Dryer-Belchumser of 6242 Napoli Court, Long Beach, California 92614, hereinafter referred to as the ASSIGNEES, the entire right, title and interest of RHI, domestic and foreign, in and to the inventions and discoveries in:

"PUCK FOR USE ON A NON-ICE SURFACE"

set forth in the United States Letters Patent No. 5,275,410 (the "Patent"), and assigned to RHI as recorded on March 26, 1998, including any foreign applications or foreign patents issued relating to the Patent. ASSIGNEES are hereafter solely responsible for the payment of any maintenance fees and any other acts necessary to maintain the Patent.

**ROLLER HOCKEY INTERNATIONAL
INC., a Florida corporation**

Date: 7/16/99By: [Signature]
Its: [Signature]

RECEIVED

RECEIVED

1230367533

ST:ST 0057/01/10

PATENT

REEL: 011027 FRAME: 0830

TOTAL 2 32

Assignment Patent Number Information

http://A16/ASGN/ CT/APNQUERY?PAT_NUM=5275410

PALM INTRANETDay : Tuesday
Date: 6/27/2000
Time: 10:29:52**Assignment Patent Number Information for 5275410****Total Assignments : 2****Serial Number : 07/949077****Patent Number : 5275410****Filing Date : 09/22/1992****Issue Date : 01/04/1994****Related Patent Numbers: 5482274 ((5597161))****Title : PUCK FOR USE ON A NON-ICE SURFACE****Applicant(s) : BELLEHUMEUR, ALEX R. || NEHMENS, JOHN R. II || HAARLAMMERT, GUY W.****Reel/Frame(s) : 006425/0675 || 007863/0439****#1. Reel/Frame # 006425/0675****Reel : 006425 Frame : 0675 Mailroom Date : 02/19/1993 New App Fil Rcpt Date : 00/00/0000****Control# Date : 00/00/0000 Rec Key Date : 03/30/1993 Date Mailed : 04/07/1993****Date Recorded : 02/19/1993****Number of Pages : 29**

Assignor	Exc Date
BELLEHUMBUR, ALEX R.	02/02/1993
NEHMENS, JOHN R. II	02/02/1993
HAARLAMMERT, GUY W.	02/02/1993

Assignee :
TROPSPORT ACQUISITIONS, INC.
12000, 55TH AVENUE
LACHINE, QUEBEC H87 3J8

Return Address :
VICTORIA J. BROWN, ESQ.
MILLER, EGGLESTON & ROSENBERG, LTD.
P.O. BOX 1489
150 SO. CHAMPLAIN STREET
BURLINGTON, VT 05402-1489

Brief :**ASSIGNMENT OF ASSIGNORS INTEREST.****#2. Reel/Frame # 007863/0439****Reel : 007863 Frame : 0439 Mailroom Date : 03/26/1996 New App Fil Rcpt Date : 00/00/0000****Assignments Date : 04/03/1996 Date Mailed : 06/20/1996****Date Recorded : 03/26/1996****Number of Pages : 6**

Assignor	Exc Date
BELLEHUMEUR, ALEX R.	02/08/1996
NEHMENS, JOHN R. II	03/07/1996
HAARLAMMERT, GUY W.	03/04/1996

Assignee :
ROLLER HOCKEY INTERNATIONAL
1388 SUTTER
SAN FRANCISCO
CALIFORNIA 91409

Return Address :
ROTH & GOLDMAN
W. NORMAN ROTH
523 W. 6TH STREET
SUITE 707
LOS ANGELES, CA 90014

Brief :**ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).**

JOSEPH DONAHUE

FAX NO. : 949 752 8600
XEROX 7020 FAX UNITOct. 04 2002 02:31PM P7
WUUGApplication/Control Number: 10/057,671
Art Unit: 3711

Page 2

EXAMINER'S COMMENT

1. In consideration of Protestor's arguments, the issues relating to the terminal disclaimer, diligence, correction of ownership and the properly signed oath are considered to be adequately addressed by applicant in his Response to Protest (Paper Number 6) and the submission of a new (1) Terminal Disclaimer, (2) Consent of Assignee, (3) Statement Under 37 CFR 3.73(b) and (4) Reissue Declaration.

Regarding Protestor's argument with respect to inventorship, the supplied exhibits have been reviewed and considered; however, they are not viewed, by themselves, to provide concrete evidence that the patentees are not the inventors to enable a rejection of the claims under 35 USC 102(E).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (703) 308-2247. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126.

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579.

The examiner failed to state the facts upon which he is making his ruling. Isn't this required by the MPEP?

10-10-00 11:51 From: REISING, ETHINGTON, BARNES, KISSELLE, LEARMAN & McCULLOCH, P.C. PATENTS, TRADEMARKS AND COPYRIGHTS

CHICAGO OFFICE
301 W. Madison, Suite 400
Chicago, IL 60604
Tel: (312) 487-1000
Fax: (312) 487-1001
www.reisling.com

NEW YORK OFFICE
1001 Broadway, Suite 1000
New York, NY 10018
Tel: (212) 633-1000
Fax: (212) 633-1001
www.reisling.com

March 3, 2003

Via Electronic
(783) 872-9438

Attention: Mr. Greg Malt
United States Patent and Trademark Office
Washington, DC 20230

Re: Rescued Application Serial No. 10/057,671
Belchamoun et al.

Dear Sir:

Per your request to my client Mr. Carl Lekavich, I am sending you certain attachments relating to the above-identified rescue application.

We are requesting to hold up the "renewal" of Rescued Application Serial No. 10/057,671 that is indicated in the United States Patent and Trademark Office website to be ready for renewal. (See Attachment A)

The Federal Circuit just dismissed on February 11, 2003 the case of Alex Belchamoun v. Carl Lekavich (See Attachment B) in which the United States District Court for the Central District of California, Western Division declared the original U.S. Patent 5,597,161 invalid due to lack of common ownership at the time of the signing of the Terminal Disclaimer.

We further believe the original U.S. Patent 5,597,161 is not yet commonly owned with U.S. Patent 5,275,410 when the assignment (See Attachment C) on its face clearly shows only one issued patent was assigned. The provision of the MPEP do not provide for an existing Co-P or continuation patent application to be assigned also to be assigned in this factual scenario. The

PAIR Page

Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION INFORMATION RETRIEVAL

Search results for application number: 10/057,671

Field	Value
Filing or 371(c) Date	01/24/2002
Class	424/382.00
Issue Date of Patent	01/24/2002
Location	PUBS - CUSTOMER SERVICE BRANCH, PWS-001, 302-5798
Examiner Name	GRU, MALDON W
Station	Publications - Issue Fee Waived with Fee
Group Art Unit	3711
Attorney Designation	133148
Earliest Publication No.	
Patent Number	
Earliest Publication Date	
Customer Number	
Confirmation Number	4468

File Contents History

Number	Date	Comments/Description
46	02-26-2003	Application is Considered Ready for Issue
46	02-26-2003	Workflow - Customer Service Request - Finish
44	02-27-2003	Receipt into Pubs
43	02-27-2003	Mailroom Date of Issue Fee Payment
42	01-24-2002	Workflow - Drawings Finished
41	01-24-2002	Workflow - Drawings Matched with File at Contractor
40	02-24-2002	Workflow - Customer Service Request - Begin
39	02-27-2003	Receipt into Pubs
38	11-27-2002	Workflow - Fee Sent to Contractor
37	11-27-2002	Receipt into Pubs
36	11-30-2002	Application entered in GRU and can be accessed by the REPS system in the Public Search Room
35	11-13-2002	Mail Notification of Terminal Disclaimer - Accepted
34	11-13-2002	Mail Examiner's Amendment
33	11-13-2002	Examiner's Amendment Communication
32	11-13-2002	Notification of Terminal Disclaimer - Accepted
31	11-06-2002	Terminal Disclaimer Filed
30	10-31-2002	Issue Fee Payment Received
29	10-31-2002	Application entered in GRU and can be accessed by the REPS system in the Public Search Room
28	10-31-2002	Drawings to Publications
27	09-20-2002	Mail Notice of Allowance
26	09-20-2002	Mail Notification of Terminal Disclaimer - Accepted

http://pair.uspto.gov/cgi-bin/finalpairsrch.pl

3/3/2003

PAIR Page

Page 2 of 2

26	08-30-2002	Notice of Allowance Data Verification Completed
25	08-30-2002	Notice of Allowance
24	08-10-2002	Miscellaneous Incoming Letter
23	08-29-2002	Notification of Terminal Disclaimer - Accepted
22	08-29-2002	Terminal Disclaimer Filed
21	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
20	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
19	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
18	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
17	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
16	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
15	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
14	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
13	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
12	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
11	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
10	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
9	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
8	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
7	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
6	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
5	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
4	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
3	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
2	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received
1	08-29-2002	Amendment (Rule 131 or 132) or Exhibit Received

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NEWBANDS | CONTACT US | PRIVACY STATEMENT

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DISPOSITION SHEET

MONDAY, FEBRUARY 10, 2003

11:00 A.M.

NONPRECEDENTIAL OPINIONS

02-1331 CLEAR-LINE CHEMICALS, INC., ET AL. v. PALMERO HEALTH CARE, ET AL.
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02-1454 ASPEN MANUFACTURING, INC., ET AL. v. BENCHMARK MANUFACTURING,
INC.
DCT/EDTX Per Curiam Affirmed, Ru

02-3283 SUSAN CAVEY v. MERIT SYSTEMS PROTECTION BOARD
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MSPB Per Curiam Affirmed

02-7318 PAUL M. KNIGHT v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs
CVC Per Curiam Affirmed, Rule 36

03-3004 BHASKAR CHANDRASEKHAR v. DEPARTMENT OF HEALTH AND HUMAN SERVICES
MSPB Linn, J. Affirmed

DISMISSAL

01-5103 HERCULES INCORPORATED v. UNITED STATES

OTHER ACTION

03-3087 JAMES M. WALLACE v. OFFICE OF PERSONNEL MANAGEMENT
Mandate recalled and appeal reinstated.

PETITION FOR REHEARING AND REHEARING EN BANC

02-3302 DAVID H. ABLESTEIN v. DEPARTMENT OF AGRICULTURE
Denied.

TUESDAY, FEBRUARY 11, 2003

11:00 A.M.

NONPRECEDENTIAL OPINION

02-3398 JOE F. COOK, JR. v. DEPARTMENT OF VETERANS AFFAIRS
MSPB Per Curiam Affirmed

OTHER ACTIONS

The following cases are remanded to the United States Court of Appeals for Veterans

02-7321 SANDRA E. BOOTH v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

02-7329 SANDRA E. BOOTH v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

02-7330 ROBERT V. CHISHOLM v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

02-7331 KENNETH B. MASON v. ANTHONY J. PRINCIPI, Secretary of Veterans Affairs

<http://www.fedcir.gov/daily.txt>

2/13/2003

Notice of Allowability	Application No.		Applicant(s)	
	10/057.871		BELLEHUMEUR ET AL.	
	Examiner		Art Unit	
	Raleigh Chiu		3711	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 24 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)
 - a) ☐ All b) ☐ Some* c) ☐ None of the
 1. ☐ Certified copies of the priority documents have been received
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received. _____

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has **THREE MONTHS FROM THE "MAILING DATE"** of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____
 - (b) ☐ including changes required by the proposed drawing correction filed _____ which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 <input type="checkbox"/> Notice of References Cited (PTO-892) 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9 <input type="checkbox"/> Other
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NO. 961 P. 1

JAN. 22. 2002 3:13PM

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NO. 761 FROM: IDS
P. 2

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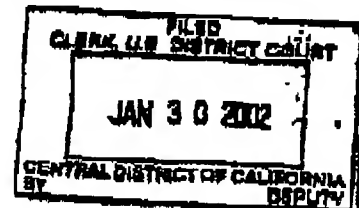
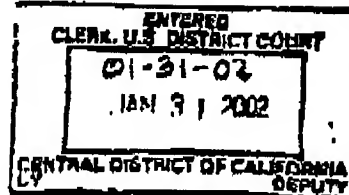
SULZNER & ASSOCIATES

ATTORNEYS AT LAW

101 WEST BROADWAY, SUITE 1050

SAN DIEGO, CALIFORNIA 92101

(619) 596-0350

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ALEX. BELLEHUCEUR

Plaintiff,

CARL LEKAVICH, an individual; IDEAL
DESIGN SPORTS, INC, a California
corporation

Defendants.

CASE NO. CV-01-00138 BSWL (BQR)

[PROPOSED] ORDER FOLLOWING
HEARING ON PLAINTIFF'S MOTION
TO AMEND JUDGMENT RE MOTION
FOR SUMMARY JUDGMENT

(FRCP RULES 56; 59)

Motion Date: January 14, 2002

Time: 9:00 a.m.

Judge: Hon. Ronald S.W. Lew

Clerk: 21

Magistrate: Hon. Brian Q. Robbins

Plaintiff's Motion to Amend Judgment re Motion for Summary Judgment came on regularly
for hearing on Monday, January 14, 2002, at 9:00 a.m., in Courtroom 21 of the above-captioned
court, the Honorable Ronald S.W. Lew presiding.

After full consideration of the evidence and papers on file, as well as the oral arguments
of counsel, the court finds as follows:

Plaintiff's motion is denied. Plaintiff has not met the burden of proof set forth pursuant to
Federal Rule of Civil Procedure, Rule 56(e). The judgment granting defendants' motion for
summary adjudication based on the invalidity of plaintiff's '161 patent will not be amended. This

JAN 31 2002

[Proposed] Order Following Hearing on Plaintiff's Motion to Amend Judgment Re Motion for Summary
Judgment

Page 1

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SULZNER & ASSOCIATES^{LLP} 374 HIGHFAX

NO. 861 P. 2

JAN. 22. 2002 3:13PM

SULZNER & ASSOCIATES

NO. 761 P. 3

court found that the '161 continuation patent is invalid, because the common ownership requirement with the '410 patent was not satisfied.

IT IS SO ORDERED.

Dated:

AG-5 17 42 W

THE HONORABLE RONALD J.W. LEW
CENTRAL DISTRICT COURT OF CALIFORNIA

[Proposed] Order Following Hearing on Plaintiff's Motion to Amend Judgment Re Motion for Summary Judgment

Page 2

For good and valuable consideration, the receipt of which is hereby acknowledged, and pursuant to that certain Settlement Agreement dated as of October 12, 1998, Roller Hockey International, Inc., a Florida corporation ("RHI"), does hereby assign and set over to Alex Bellehumeur and Linda Dryer-Bellehumeur of 6242 Napoli Court, Long Beach, California 92614, hereinafter referred to as the ASSIGNEES, the entire right, title and interest of RHI, domestic and foreign, in and to the inventions and discoveries in:

"PUCK FOR USE ON A NON-ICE SURFACE"

set forth in the United States Letters Patent No. 5,275,410 (the "Patent"), and assigned to RHI as recorded on March 26, 1998, including any foreign applications or foreign patents issued relating to the Patent. ASSIGNEES are hereafter solely responsible for the payment of any maintenance fees and any other acts necessary to maintain the Patent.

ROLLER HOCKEY INTERNATIONAL
INC., a Florida corporation

Date:

7/16/99

By:

Its:

[Signature]
President RHI

10057671-092903

- 2 -

RECORDED: 07/28/2000

Received from < > at 3/3/03 4:54:16 PM [Eastern Standard Time]

ALEX BELLEHUMEUR

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PATENT

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